**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

FRANCISCAN ALLIANCE, INC., *et al.*,
 	
     Plaintiffs,
 	
     v.
 	
SYLVIA BURWELL, Secretary of the
     United States Department of Health
     and Human Services, *et al.*,
 	
     Defendants.
	No. 7:16-cv-00108

**DEFENDANTS' RESPONSE
TO PROPOSED INTERVENORS' MOTION FOR RULING ON INTERVENTION AND
STAY OF PRELIMINARY INJUNCTION PENDING APPEAL**

Pursuant to this Court's Order (Jan. 9, 2017), ECF No. 64, Defendants respectfully state

that Defendants take no position on the Proposed Intervenors' Motion for Ruling on Intervention

and Stay of Preliminary Injunction Pending Appeal (Jan. 9, 2017), ECF No. 63; *see id.* at 12

(noting the same). As stated in Defendants' Response to Motion to Intervene of River City

Gender Alliance and ACLU of Texas (Oct. 7, 2016), ECF No. 19, Defendants oppose

intervention as of right but take no position on permissive intervention. Defendants additionally

take no position on the Proposed Intervenors' request for a stay pending appeal, but note that any

decision by Defendants "whether, and to what extent, [to] appeal[]" this Court's preliminary

injunction will be made by the Solicitor General. *See* 28 C.F.R. § 0.20(b).

Dated: January 17, 2017

                                  Respectfully Submitted,

                                  BENJAMIN C. MIZER
                                  Principal Deputy Assistant Attorney
                                    General

JENNIFER D. RICKETTS
Director, Federal Programs Branch

SHEILA M. LIEBER
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/s/ *Adam Grogg*
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2017, I electronically filed a copy of the foregoing.

Notice of this filing will be sent via email to all parties by operation of the Court's electronic

filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ *Adam Grogg*
ADAM GROGG